

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 4:15CR136
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
RICARDO B. MCKINNEY)	<u>MOTION TO CONTINUE SENTENCING</u>
)	
Defendant.)	
)	

Now comes the United States of America, by and through its counsel, David A. Sierleja, Acting United States Attorney, and Daniel J. Riedl and Marisa Darden, Assistant United States Attorneys, and respectfully moves this Court to continue the sentencing hearing for Defendant Ricardo B. McKinney, currently set for Wednesday, July 19, 2017, at 2:00 p.m.

The government requests a continuance in order to receive the entire trial transcript and file a complete sentencing memorandum in the above-captioned matter. At issue between the parties is the application of a two point enhancement for obstruction of justice pursuant to USSG §3C1.1. On June 7, 2017, after the initial disclosure of the presentence report was issued by the probation department, the government ordered a transcript of the trial in order to cite portions of the record in support of its argument that the enhancement should be applied. (R. 98: Transcript Request). A portion of the transcript was received on July 13, 2017. (R. 102: Transcript) however that portion does not include the examinations of the witnesses. The government requests a short continuance in order to receive the remainder of the transcript and include citations to the record in its memorandum.

In addition, AUSA Daniel Riedl will be out of the country from July 17 through the 20th and would be unable to attend the hearing. Should the Court deny the government's motion, however, lead counsel Marisa Darden would be available to represent the government at the sentencing hearing.

The above motion is made in good faith and not for purposes of delay. The government has conferred with the court reporter who indicated that the remainder of the transcript would be completed soon. The government respectfully requests a continuance of 30 days to allow for the completion of the transcript and the filing of its sentencing memorandum.

Respectfully submitted,

DAVID A. SIERLEJA
Acting United States Attorney

By: /s/ Daniel J. Riedl
Daniel J. Riedl (Reg. No. 0076798)
Assistant U.S. Attorney
U.S. Courthouse, Suite 400
801 West Superior Avenue
Cleveland, Ohio 44113
Telephone: 216-622-3669
Facsimile: 216-685-2378
E-mail: daniel.riedl@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July 2017, a copy of the foregoing Motion to Continue Sentencing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Daniel J. Riedl
Daniel J. Riedl
Assistant U.S. Attorney